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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,598	06/27/2003	Ben Huang	WINN.001A	2270
20995	7590	02/09/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			BLAU, STEPHEN LUTHER	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			3711	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,598

Applicant(s)

HUANG, BEN

Examiner

Stephen L. Blau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 25-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4, 6-11, 13-16, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeh in view of Yasui and Shirono.

Yeh discloses a grip formed of an elongated strip comprising an elastomer (Col. 2, Lns. 52) layer (12) bonded (Claim 1) to a felt layer (Col. 2, Lns. 54-56), an elastomer being a thermoplastic urethane, thermoplastic rubber (Col. 2, Lns. 51-56), and a polyurethane (Col. 2, Lns. 51).

Yeh lacks a powdered inorganic antimicrobial agent in an elastomer, an antimicrobial agent of silver in a porous based carrier of a silica-alumina carrier and the concentration by weight of an inorganic antimicrobial agent being about 2%. Yasui discloses an antibacterial material in an elastomer grip formed from synthetic resin (Col. 2, Lns. 61-64), synthetic resins including by not limited to rubber based elastomers, urethane rubber, and thermoplastic elastomers (Col. 2, Lns. 65 through Col. 3, Ln. 7), a grip (Col. 1, Lns. 21-27) for sporting equipment in the form of a fishing pole (fig. 1), antibacterial and antifungal material (Col. 2,

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Lns. 61-64) in the form of pellets (Col. 1, Lns. 65-67) of inorganic material of silver in a porous (Col. 1, Lns. 53-56) silica-alumina or zeolite carrier (Col. 3, Lns. 8-20), BACTEKIRANI, NOVALON (Table 1) and the concentration by weight of an inorganic antimicrobial agent is from .2 to 3 % (Tables 1-2) in order to cause less skin irritation and offer improved durability (Col. 3, Lns. 8-20). Shirono discloses an inorganic antimicrobial agent being a powdered in the form of a metal being carried on zeolite (Col. 1, Lns. 9-11) as Yasui teaches. Clearly the art interchanges the terms of a pellet and a powder for an inorganic antimicrobial agent when a metal is carried on a carrier. In view of the patent of Yasui it would have been obvious to modify the sporting golf grip of Yeh to have a synthetic resin grip made of thermoplastic rubber, urethane layer or a polyurethane layer comprising silver metal in a porous silica-alumina or zeolite carrier having a concentration by weight of an inorganic antimicrobial agent being about 2% in order have a golf grip with anti bacterial and antifungal properties and in order to cause less skin irritation and offer improved durability for golf grip having an elastomer having an antibacterial agent while playing a round of golf. In view of the patents of Yasui and Shirono it would have been obvious to modify the grip of Yeh to have the inorganic antimicrobial agent comprising a powder in order to utilize a form of an inorganic antimicrobial agent used in the market place.

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3. Claims 12, 17-18, 20-21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeh in view of Yasui and Shirono as applied to claims 1-2, 4, 6-11, 13-16, 19 and 22 above, and further in view of Hayashi.

Yeh lacks an inorganic antimicrobial silica-alumina being montmorillonite having the formula as defined by claim 12. Yasui discloses inorganic material of silver in a porous (Col. 1, Lns. 53-56) silica-alumina or zeolite carrier (Col. 3, Lns. 8-20). Shirono discloses an inorganic antimicrobial agent being a powdered in the form of a metal being carried on zeolite (Col. 1, Lns. 9-11). Hayashi discloses a suitable substitute for an inorganic antimicrobial of silver in a zeolite carrier being silver in a montmorillonite carrier (Col. 3, Lns. 42-49). In view of the patent of Hayashi it would have been obvious to modify the grip of Yeh to have an inorganic antimicrobial agent being silver in a montmorillonite carrier in order to utilize an inorganic antimicrobial agent available in the market place if metal being carried on zeolite was not available. As such the carrier would have the formula as defined by claim 12 [0027].

4. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeh in view of Yasui and Shirono as applied to claims 1-2, 4, 6-11, 13-16, 19 and 22 above, and further in view of Huang (5,695,418).

Yeh discloses a textile layer have an adhesive layer in the form of a double sided adhesive tape (Col. 1, Lns. 33-39) and a polyurethane (Col. 2, Lns. 51.

Yeh lacks a polyurethane having closed pores that extend vertically in a direction normal to a longitudinal axis of a strip and a protective quick-release tape. Huang discloses a grip being an elongated strip (Fig. 5), a grip tape with polyurethane having closed pores that extend vertically in a direction normal to a longitudinal axis of a strip in order to have enhanced compression (Col. 4, Lns. 8-20), an adhesive layer, and a protective quick-release tape (Fig. 4). In view of the patent of Huang it would have been obvious to modify the grip of Yeh to have a grip tape with polyurethane having closed pores that extend vertically in a direction normal to a longitudinal axis of a strip in order to have enhanced compression when gripping a polyurethane grip. In view of the patent of Huang it would have been obvious to modify the grip of Yeh to have a protective quick-release tape in order to prevent the strip adhesive from sticking on things until it is ready to be placed on a handle.

Response to Arguments

5. Applicant's arguments with respect to the reference of Pan have been considered but are moot in view of the new ground(s) of rejection. The argument that it is improper to combine the references of Yeh in view of Yasui due to Yeh disclosing forming a polyurethane on a backing in a conventional manner is disagreed with. First the independent claims do not require a polyurethane layer but an elastomer layer. Yeh discloses all sorts of different types for a top layers including thermoplastic rubber, thermoplastic urethane as well as polyurethane.

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Clearly Yasui discloses these materials for also a sporting grip in the form of rubber-based elastomers, urethane rubber and copolymer based thermoplastic elastomers. Never-the-less Yasui states that this is for a synthetic resin which a polyurethane is. The argument that it is improper to combine the references of Yeh with Yasui since Yasui only has the process of using thermoplastic resins and then molded at high temperatures is disagreed with. Clearly Yeh disclose materials of thermoplastic rubber and thermoplastic urethane for grip material. It is well know that these materials can be used in the process of molding at high temperatures.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Blau whose telephone number is (571) 272-4406. The examiner can normally be reached on Mon - Fri 10:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


STEPHEN BLAU
PRIMARY EXAMINER

SLB/4 February 2006